



# CITY OF SAN CLEMENTE

## \*REVISED ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

*\*Note: This revised agenda varies from the agenda that was posted on June 16, 2022 in that the Staff Recommendation for Item 8A was updated. The new Staff Recommendation can be found on Page 9 of this agenda.*

**San Clemente Community Center Auditorium**  
100 N. Calle Seville  
San Clemente, California  
[www.san-clemente.org](http://www.san-clemente.org)

**June 21, 2022**

5:00 p.m. – Business Meeting I  
6:00 p.m. – Closed Session  
6:30 p.m. – Business Meeting II  
(Adjourned Regular Meeting)

\*In accordance with the Brown Act, this agenda was duly posted at the following location:

### **Teleconference Location**

Apra & Micheli, Inc.  
1415 L. Street, Suite 620  
Sacramento, CA 95814  
*\*Mayor Pro Tem Duncan participating  
via teleconference*

*Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.*

### **RULES FOR ADDRESSING COUNCIL**

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Community Center Auditorium and turn it in to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the “Oral Communications” portion of the meeting.
- When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Please limit your presentation to three minutes.

## **MISSION STATEMENT**

*The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:*

*Maintaining a safe, healthy atmosphere in which to live, work and play;*

*Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;*

*Providing for the City's long-term stability through promotion of economic vitality and diversity...*

*Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.*

### **BUSINESS MEETING PART 1 (5:00 P.M.)**

#### **CALL TO ORDER**

**INVOCATION** – Nate Castro, Director of Family Ministries, Shoreline Community Church.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

1. **Motion waiving reading in full of all Resolutions and Ordinances.**
2. **Consideration of agendizing items requiring immediate action.** Any items agendized will be considered under New Business, unless otherwise determined by a majority vote of the City Council.
3. **Oral Communications (30 Minutes).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. Speakers may address Council once during Oral Communications, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. When invited by the Mayor, please step to the podium, and if you wish, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

4. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.

A. **City Council Minutes**

Staff Recommendation

- (1) [Approve the minutes of the Regular and Special City Council Meeting of June 7, 2022.](#)

B. **Commission/Committee Minutes**

Staff Recommendation

Receive and file the following:

- (1) [Planning Commission Regular Meeting minutes of April 6, 2022.](#)
- (2) [Human Affairs Committee Regular Meeting minutes of December 14, 2021.](#)
- (3) [Human Affairs Committee Special Meeting minutes of March 1, 2022.](#)
- (4) [Human Affairs Committee Regular Meeting minutes of April 12, 2022.](#)
- (5) [Golf Course Committee Regular Meeting minutes of February 3, 2022.](#)
- (6) [Beaches, Parks and Recreation Commission Regular Meeting minutes of February 8, 2022.](#)
- (7) [Zoning Administrator Regular Meeting minutes of May 19, 2022.](#)
- (8) [Zoning Administrator Special Meeting minutes of May 24, 2022.](#)
- (9) [Planning Commission Regular Meeting minutes of June 8, 2022.](#)

C. **Warrant Register**

Approve Wire Transfer Nos.  
2662 through 2663 and Warrant Nos.  
581270 through 581374, paid on  
6-10-22, in the amount of..... \$ 829,041.32

Approve Wire Transfer Nos.  
2664 through 2667 and Warrant Nos.  
581375 through 581568, paid on  
6-17-22, in the amount of..... \$ 1,067,982.16

TOTAL WARRANT REGISTER.....\$ 1,897,023.48

**Payroll Register**

Bank Adjustment Replacement  
Check 868, Automatic Deposit  
Advises 78918 through 79215,  
for the period 5-30-22 through  
6-12-22, paid on 6-17-22,  
in the amount of.....\$ 481,119.81

TOTAL PAYROLL REGISTER.....\$ 481,119.81

D. **Bid Rejection – Citywide Catch Basins Rehabilitation** Pages 4D-1 through 4D-2

Staff Recommendation

1. Reject all bids for the Citywide Catch Basins Rehabilitation, Project No. 21001, pursuant to Section 20166 of the Public Contract Code.
2. Authorize Staff to revise the bid package and re-bid the Citywide Catch Basins Rehabilitation Project.

E. **Final Parcel Map 2021-188 – Artis Memory Care Facility at 2401 Calle Frontera** Pages 4E-1 through 4E-3

Staff Recommendation

1. Accept on behalf of the City of San Clemente, the water rights within Final Parcel Map 2021-188 as dedicated.
2. Accept on behalf of the City of San Clemente, the storm drain easement subject to the improvements being deemed complete as determined by the City Engineer.

*Staff recommendation continued on following page*

3. Accept on behalf of the City of San Clemente, the public access and sidewalk easement as subject to the improvements being deemed complete as determined by the City Engineer.
4. Accept on behalf of the City of San Clemente, the emergency access easements as dedicated.
5. Approve the Final Parcel Map 2021-188 as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
6. Authorize the Public Works Director/City Engineer to execute the Final Parcel Map.
7. Authorize the City Clerk to execute and submit the Final Parcel Map to the County of Orange Recorder's Office for recordation.
8. Authorize the Public Works Director/City Engineer to execute a Certificate of Acceptance for the storm drain and pedestrian access sidewalk improvements.
9. Authorize the City Clerk to execute and submit the Certificate of Acceptance to the County of Orange Recorder's Office for recordation.

F. **[Contract Award – Emergency Management Services](#)** Pages 4F-1 through 4F-14

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-38, by and between the City of San Clemente and Jacob Green and Associates, providing for emergency management services, in the amount of \$90,000 for a 1-year agreement from July 1, 2022 through June 30, 2023.

G. **[Contract Award – Pressure Washing Services in the Downtown Area](#)** Pages 4G-1 through 4G-28

Staff Recommendation

Approve, and authorize the Public Works Director/City Engineer to execute, Contract No.C22-39, by and between the City of San Clemente and Powerclean, providing for pressure washing services in the downtown area, in an amount not to exceed \$64,620, for a 1-year agreement from July 1, 2022 through June 30, 2023.

- H. [Ordinance No. 1731 \(Second Reading\) – “Water Conservation Ordinance”](#) Pages 4H-1 through 4H-16

Staff Recommendation

Adopt Ordinance No. 1731 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE AMENDING CHAPTER 13.12 SECTION 13.12.010-13.12.110 OF THE MUNICIPAL CODE (“WATER CONSERVATION ORDINANCE”).

- I. [Ordinance No. 1732 \(Second Reading\) – Bicycle Repairs in Public](#) Pages 4I-1 through 4I-6

Staff Recommendation

Adopt Ordinance No. 1732 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADDING CHAPTER 10.54 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE PROHIBITION ON REPAIRS, SALES, AND STORAGE OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY AND FINDING THE ORDINANCE NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

- J. [Contract Award – Storm Drain Improvements at 1601 Calle Las Bolas](#) Pages 4J-1 through 4J-8

Staff Recommendation

1. Approve the plans and specifications for the Storm Drain Improvements at 1601 Calle Las Bolas, Project No. 10015.
2. Approve, and authorize the Public Works Director/City Engineer to execute, Contract No. C22-40, by and between the City of San Clemente and Innovation, Inc., providing for Storm Drain Improvements at 1601 Calle Las Bolas, in the amount of \$499,460.

- K. [Lease Amendment – Parking Lot Lease at 175 Ave. Cabrillo](#) Pages 4K-1 through 4K-10

Staff Recommendation

Approve, and authorize the City Manager to execute, Amendment No. 1 to Contract No. C07-22, a Parking Lot Lease Agreement, by and between the City of San Clemente and Cynthia Taylor Carrick, William Dowling Taylor and Marjorie Taylor Boughton, to increase the monthly lease rate to \$500 per month, an increase of \$150 per month.

L. [Ratification of Emergency Purchases and Supplemental Funding for Cyprus Shore Pump Station Emergency Operation and Cyprus Shore Storm Drain Emergency Relocation](#) Pages 4L-1 through 4L-47

Staff Recommendation

1. Make a finding that an emergency continues to exist due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur is required to incur delays attributed to the typical engineering design and public competitive bid process.
2. Approve a supplemental appropriation in the amount of \$357,225 to Account No. 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve.
3. Ratify a change order with O'Connell Engineering and Construction, Inc., on a time and materials basis in the amount of \$255,000 for the Cyprus Shore Emergency Pump Station Bypass Operation, Project No. 12209.
4. Approve a supplemental appropriation in the amount of \$98,412 from the Storm Drain Fund Depreciation to Account No. 059-553-45300-000-12004.
5. Ratify emergency Contract No. C22-41, approved by the City Manager, by and between the City of San Clemente and AKM Consulting Engineers, providing for design services for Cyprus Shore Storm Drain Emergency Relocation, in the amount not to exceed \$98,412.

M. [Letter of Intent – Orange County Waste Disposal Agreement Renewal](#) Pages 4M-1 through 4M-52

Staff Recommendation

Authorize the City Manager to provide written notice to the County of Orange with its intent to renew the Waste Disposal Agreement (WDA), between the City of San Clemente and the County of Orange, by June 30, 2022 to initiate formal discussions and negotiations for renewal by June 30, 2023.

N. [Mural on Public Property – North Beach Concession/Restroom Building](#) Pages 4N-1 through 4N-10

Staff, Beaches, Parks and Recreation Commission, and the Design Review Subcommittee Recommendation

1. Waive the 30-day public notice posting requirement to facilitate an expedited mural installation process.
2. Approve the “Character Counts” mural proposed by the San Clemente Sunrise Rotary and San Clemente High School Interact Club to be installed on the south wall of the North Beach concession and restroom building.

5. **Reports. (If the Reports section is not completed by 6:00 p.m., it will be continued at the end of Business Meeting Part 2.)**

A. **Commissions and Committees**

B. **City Manager**

- CalTrans Update

C. **City Attorney**

D. **Council Members**

E. **Council Subcommittee Updates**

**CLOSED SESSION (6:00 P.M.)**

A. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 2.2 acre section of and 80 acre parcel on the southwest corner of Avenida La Pata and Vista Hermosa, Assessor’s Parcel Number 678-163-01

Agency Negotiators: City Manager

Negotiating Parties: City of San Clemente, Storgeworks and/or their authorized agent(s)

Under Negotiation: Price and terms of payment re unsolicited offer

**BUSINESS MEETING PART 2 (6:30 P.M.)**

6. **Closed Session Report - City Attorney.**



7. **Special Presentations.**

A. **Update on Homeless Issue (May update)**

B. **Permit Streamlining Implementation**

Presentation by Community Development Director Gallardo-Daly concerning the implementation of permit streamlining opportunities.

C. **Recognition of Beaches, Parks and Recreation Staff**

Presentation by Beaches, Parks and Recreation Department Director Wylie, in recognition of Staff accomplishments: Recreation Supervisor Melissa Muraira, Memorial Day 2022 event, Recreation Coordinator WendyAnn Fernandez, in recognition of her 14 years of service to San Clemente; and Ocean Lifeguard Supervisor Nick Scheel for a successful water rescue that resulted in lifesaving.

D. **Orange County Fire Authority Ready, Set, Go Program**

Presentation by Chief Capobianco concerning the Orange County Fire Authority's (OCFA) Ready, Set, Go program.

8. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

**7:30 P.M.**

A. **[Consideration of an Ordinance Authorizing the City of San Clemente to Implement Community Choice Energy as a Member of the Clean Energy Alliance](#)** Pages 8A-1 through 8A-

Public Hearing to consider an Ordinance authorizing the implementation of a Community Choice Aggregation Program.

**Staff Recommendation**

1. Introduce Ordinance No. 1734 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM.
2. Adopt Resolution No. 22-30 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA,

*Staff recommendation continued on following page*

AUTHORIZING THE EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR MEMBERSHIP IN THE CLEAN ANERGY ALLIANCE, A COMMUNITY JOINT POWERS AUTHORITY.

9. **Unfinished Business.**

None.

10. **New Business.**

- A. [Update of Legislative and Transportation Activities](#) Pages 10A-1 through 10A-40

Report from the Assistant to the City Manager concerning updates on Legislative and Transportation Activities.

Staff Recommendation

Receive and file the Administrative Report dated June 21, 2022, and on file with the City Clerk.

- B. **Consideration of Adding Oral Communications Part 2 to the City Council Meeting Agenda Template** (Agendized at the May 25, 2022 Council Meeting by Councilmember Ferguson, with the support of Councilmember Knoblock).

- C. [Code Amendment – Urgency Ordinance Enacting Local Campaign Contribution Limits and Policy Regarding Contractor Disclosure of Political Contributions](#) (Agendized at the May 25, 2022 City Council Meeting by Mayor James with the support of Council). Pages 10C-1 through 10C-26

Report from the City Clerk and City Attorney concerning enacting local campaign contribution limits and policy regarding contractor disclosure of Political Contributions.

Staff Recommendation

If Council desires to establish Local Campaign Contribution Limits that vary from the State's default limits, the City Clerk recommends that Council do so through adoption of the below ordinances. If Council wishes to require disclosure of contractor political contributions, the City Clerk recommends that Council adopt Policy and Procedure No. 201-15:

*Staff recommendation continued on following page*

1. Adopt AN URGENCY ORDINANCE OF THE CITY OF SAN CLEMENTE ADDING SECTION 2.04.100 TO CHAPTER 2.04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO LOCAL ELECTION CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS, with the incorporation of campaign contribution limits of either \$500 or \$1,000 per source per election and allowing for CPI increases.
2. Introduce AN ORDINANCE OF THE CITY OF SAN CLEMENTE ADDING SECTION 2.04.100 TO CHAPTER 2.04 (CITY COUNCIL) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO LOCAL ELECTION CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS, with the incorporation of campaign contribution limits of either \$500 or \$1,000 per source per election and allowing for CPI increases.
3. Adopt Policy and Procedure No. 201-15 (Disclosure of Political Contributions), effective June 21, 2022.

D. [Code Amendment – Prohibiting Unlawful Possession of Catalytic Converters](#) Pages 10D-1 through 10D-6

Report from the City Attorney concerning the introduction of an ordinance prohibiting the unlawful possession of catalytic converters.

Staff Recommendation

Introduce Ordinance No. 1733 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE ADDING CHAPTER 10.54 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) OF TITLE 10 (VEHICLES AND TRAFFIC) TO THE SAN CLEMENTE MUNICIPAL CODE ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS.

E. [Review of the City’s Solid Waste and Recycling Agreement](#) Pages 10E-1 through 10E-113

Report from the Utilities Director concerning the City’s Solid Waste and Recycling Agreement.

Staff Recommendation

1. Authorize the City Manager to issue CR&R a notice of termination of the automatic renewal of the Franchise Agreement prior to June 30,

*Staff recommendation continued on following page*

2022. This will result in Franchise Agreement termination on June 30, 2024.

- 2. Take one of the following actions:
  - a. Direct City staff to enter into negotiations with CR&R for a period not to exceed six months.

OR

  - b. Direct City staff to issue a Request for Proposals and solicit firms for a new solid waste and recycling Franchise Agreement.

- 3. Include an analysis for Street Sweeping services or revenue as part of recommended action 2a or 2b.

**11. Reports (continued from Business Meeting Part 1).**

- A. **Commissions and Committees**
- B. **City Manager**
- C. **City Attorney**
- D. **Council Members**
- E. **Council Subcommittee Updates**

**12. Adjournment.**

Adjourn to an Adjourned Regular Meeting to be held on July 19, 2022 at 4:30 p.m. for the purpose of conducting interviews and appointments for the Human Affairs Committee. Part 1 of the Business Meeting will commence at 5:00 p.m. and Closed Session will begin at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 p.m. The meeting will take place in the Community Center Auditorium, located at 100 N. Calle Seville, San Clemente.

**Note: *The Regular Meeting of July 5, 2022 was previously cancelled.***

**Items to be Considered at a Future Meeting**

<b>Agenda Item</b>	<b>Tentative Meeting Date</b>

## **CITY COUNCIL MEETING PROCEDURES**

### **PRESENTATION OF WRITTEN MATERIALS TO COUNCIL**

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

### **MEETINGS RECORDED AND TELEVISED**

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 854. Meetings are also available for live-stream or post meeting viewing from the City's website. Meetings are also recorded via audio CD and/or DVD and retained as a City record in accordance with the City's records retention schedule.

### **USE OF ELECTRONIC VISUAL AIDS BY PUBLIC AT MEETINGS**

To allow staff adequate time to confirm software compatibility, individuals wishing to utilize electronic visual aids to supplement their oral presentations at the meeting, must submit the electronic files to the City Clerk by no later than 12:00 p.m. on the day of the meeting. Only compatible electronic formats will be permitted to be used on City audio/visual computer equipment. Staff makes no guarantee that such material will be compatible, but will use its best efforts to accommodate the request.

### **LENGTH OF MEETINGS**

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

### **AMERICANS WITH DISABILITIES ACT**

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

### **COMMUNICATION DEVICES**

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

### **MEETING SCHEDULE**

Regular Council Meetings are held on the first and third Tuesdays of each month in the Community Center Auditorium, located at 100 North Calle Seville, San Clemente. Part 1 of the Business Meeting will begin at 5:00 p.m. and Closed Session begins at 6:00 p.m. Part 2 of the Business Meeting will commence at 7:00 p.m. Additional meetings of the City Council may be called as needed.

### **AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS**

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Department as soon as agendas are posted (a minimum of 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at [www.san-clemente.org](http://www.san-clemente.org). An "Inspection Copy" of agenda materials is also located at the entrance to the Community Center during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Department, located at 910 Calle Negocio, San Clemente, during normal business hours.

The City Clerk's Department offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, register at <http://san-clemente.org/enotification>.